

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANGELO FEARS	:	CASE NO: C-1-01-183
Petitioner	:	Chief Judge Walter H. Rice
- vs -	:	Magistrate Judge Michael R. Merz
MARGARET BAGLEY, WARDEN	:	<u>MOTION FOR</u>
	:	<u>EXTENSION OF</u>
Respondent	:	<u>TIME TO FILE REPLY TO</u>
	:	<u>STATE'S POST-HEARING</u>
	:	<u>RESPONSE</u>

Comes now the Petitioner, and moves this court for an order permitting him an additional twelve (12) days to reply to the State's Post-Hearing Response all for the reasons more fully set forth herein.

MEMORANDUM IN SUPPORT

The State filed its Response to the Petitioner's Post-Hearing Memorandum on September 10, 2003 and the Petitioner has fourteen days thereafter to reply.

Petitioner's counsel has been overwhelmed with sentencings (*United States v. Garcia*, *United States v. Anderson*, *United States v. Krymow*) and the preparation for same (two conferences with court for substantial assistance in *Anderson*) (lengthy sentencing memorandum in *Krymow*) and representation of Defendant as local counsel in *Garcia*. Counsel has also been in trial representing witness Craig Herl in the case captioned *United States v. May* (now the fourth day of trial representation, not including the conferences with the court and client). Finally Counsel was involved in a six hour probable cause and detention hearing with resulting proffers and motions in *United States*

v. Juan Carlos Perez Gaeta and has been unable to formulate the reply within the timeframe previously established by this court.

Pursuant to Loc. R. 7.3(a), Counsel for Petitioner called Mr. Stephen Maher, Assistant Ohio State Attorney, in an effort to seek his consent to the brief extension. Counsel for the State returned counsel's call and indicated he would not oppose the extension sought.

For all the foregoing reasons, Petitioner prays the court extend the reply deadline from the presently-set deadline of September 24, 2003 to and including the close of business on October 6, 2003.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was electronically served on Stephen Maher, Assistant United States Attorney.

s/Lawrence J. Greger
Lawrence J. Greger